

**Senate Bill No. 121**

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Passed the Senate September 11, 2007

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*Secretary of the Senate*

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Passed the Assembly September 10, 2007

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 17071.35 and 42263 of, to add Section 42269.5 to, and to repeal Article 3 (commencing with Section 42260) of Chapter 7 of Part 24 of Division 3 of Title 2 of, the Education Code, relating to school facilities.

## LEGISLATIVE COUNSEL'S DIGEST

SB 121, Romero. School facilities: new construction: existing school building capacity: multitrack year-round educational programs.

(1) The Leroy F. Greene School Facilities Act of 1998 (the Greene Act) requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

The Greene Act requires an applicant school district for new construction to submit to the board a one-time report of existing school building capacity, to be calculated pursuant to a specified formula. The Greene Act requires the maximum school building capacity for each school district applying for new construction funding to be increased by the number of pupils reported by the Superintendent of Public Instruction for that grade level pursuant to the Year-Round School Grant Program.

This bill, commencing with the 2007–08 school year, would exempt an applicant school district that received certain grants under the Year-Round School Grant Program in the 2006–07 fiscal year from having to increase the school building capacity by the number of pupils that otherwise would have been reported by the Superintendent for that grade level, and would require the school district to demonstrate, on an annual basis, that the new construction eligibility will be used to construct projects that will reduce the dependence of the district on multitrack year-round educational programs.

(2) Existing law establishes the Year-Round School Grant Program to provide financial assistance to both school districts implementing new multitrack year-round educational programs

and school districts that currently operate those programs. Under the program, grants are required to be awarded annually for the operation of multitrack year-round educational programs to school districts that meet specified criteria.

This bill would provide that a school district that received funding under the program during the 2006–07 fiscal year is eligible for operational grant funding for a period of 3 years after receiving an apportionment under the Greene Act from the State Allocation Board utilizing the new construction eligibility retained pursuant to the exemption described in (1) above. The bill would repeal the program on January 1, 2012, and would make the repeal operative only if AB 1014 of the 2007–08 Regular Session is enacted and becomes operative.

*The people of the State of California do enact as follows:*

SECTION 1. Section 17071.35 of the Education Code is amended to read:

17071.35. (a) Notwithstanding any other provisions of law and except as specified in subdivision (b), the maximum school building capacity for each applicant school district shall be increased by the number of pupils reported by the Superintendent for that grade level pursuant to Section 42268. This adjustment shall be calculated on the basis, at the option of the school district, of either the district as a whole or the appropriate attendance area.

(b) Commencing with the 2007–08 school year, an applicant school district that received grants pursuant to Section 42263 in the 2006–07 fiscal year shall be exempt from increasing the school building capacity by the number of pupils that otherwise would have been reported by the Superintendent for that grade level pursuant to Section 42268. A school district subject to this subdivision shall demonstrate, on an annual basis, that the new construction eligibility retained pursuant to this subdivision will be used to construct projects that will reduce the dependence of the district on multitrack year-round educational programs.

SEC. 2. Section 42263 of the Education Code is amended to read:

42263. (a) Commencing in the 1990–91 fiscal year, year-round school grants, in addition to those grants authorized under Section 42262, shall be awarded annually for the operation of multitrack

year-round educational programs to school districts that meet the criteria specified in this section, in addition to the criteria otherwise applicable under this article.

(b) For each fiscal year, for each schoolsite for which a school district applies for funding under this article, the district shall certify the number of pupils in excess of the capacity of the schoolsite, as determined by State Allocation Board or court-mandated pupil loading standards, for which the district elects to claim funding under this article. The excess pupil capacity calculated for purposes of this subdivision shall reflect only the additional capacity that has been generated as a result of operation on a multitrack year-round basis, and shall not reflect increased capacity generated by any other means. A school district shall be eligible for funding under this section only as to any schoolsite for which the pupil population certified by the district exceeds the capacity of the schoolsite by not less than 5 percent.

(c) To the extent funding is made available for purposes of this section, the Superintendent shall allocate to an applicant school district, for each schoolsite that qualifies for funding under subdivision (b), an amount equal to the district's share of the product of the statewide average cost avoided per pupil, as established under subdivision (e), and the number of pupils certified by the district under subdivision (b). For purposes of this subdivision, the share of a district shall be determined according to the percentage by which the number of certified pupils reflects an increase in the capacity of the schoolsite, as follows:

	District's Share
1. Less than 5%	0%
2. Equal to or greater than 5% but less than 10%	50%
3. Equal to or greater than 10% but less than 15%	67%
4. Equal to or greater than 15% but less than 20%	75%
5. Equal to or greater than 20% but less than 25%	85%
6. Equal to or greater than 25%	90%

(d) (1) The State Allocation Board shall calculate the statewide average cost avoided per pupil under Chapter 12.5 (commencing with Section 17070.10) of Part 10 through the operation of school facilities on a multitrack year-round basis, based on the following school facilities cost components:

(A) The cost of facilities construction.

(B) The cost of land acquisition.

(C) Relocation costs in connection with land acquisition.

(D) State costs incurred as a result of interest that would be paid by the state for debt service on state general obligation bond financing to construct new school facilities under Chapter 12.5 (commencing with Section 17070.10) of Part 10.

(2) The calculation of costs under subparagraphs (B) and (C) of paragraph (1) shall exclude data from the lowest quartile and the highest quartile.

(3) The State Allocation Board shall calculate the statewide average cost avoided per pupil, pursuant to this subdivision, on the basis of the 1990–91 and 1991–92 fiscal years and every two-year period thereafter. No later than December 1, 1992, and biennially thereafter, the board shall report to the Legislature the result of its calculation for the prior two-year period.

(e) For the 1990–91 and 1991–92 fiscal years, the “statewide average cost avoided per pupil,” for purposes of this section, shall be one thousand one hundred fifty-one dollars (\$1,151). For the 1992–93 fiscal year, and each fiscal year thereafter, the “statewide average cost avoided per pupil” shall be established by the statute that appropriates funding for purposes of this section for that fiscal year.

(f) A school district that received funding under this article during the 2006–07 fiscal year shall be eligible for funding pursuant to subdivision (b) for a period of three years after receiving an apportionment pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10 from the State Allocation Board utilizing the new construction eligibility retained pursuant to subdivision (b) of Section 17071.35. A school district shall demonstrate, on an annual basis, that the new construction eligibility retained pursuant to subdivision (b) of Section 17071.35 will reduce the number of schoolsites previously certified under subdivision (b) as a result of the apportionment made by the State Allocation Board.

SEC. 3. Section 42269.5 is added to the Education Code, to read:

42269.5. This article shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

SEC. 4. Section 3 of this act shall become operative only if Assembly Bill 1014 of the 2007–08 Regular Session is enacted and becomes operative.



Approved \_\_\_\_\_, 2007

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*Governor*